

REMARKS

In the most recent Office Action dated July 31, 2003, the Legal Instruments Examiner issued a Notice of Non-Compliant Amendment stating that Applicant's previous amendment filed July 10, 2003 ("the July 10 Response") is considered non-compliant because it was not submitted in the format required under 37 CFR 1.121. Specifically, in the Notice of Non-Compliant Amendment, the Legal Instruments Examiner indicated that (1) the amendment does not include a clean version of the replacement paragraph/section required under 37 CFR 1.121(b)(1)(ii), and (2) the amendment does not include a marked-up version of the replacement paragraph/section required under 37 CFR 1.121(b)(1)(iii).

Applicant respectfully disagrees that the July 10 Response was non-compliant under 37 CFR 1.121. As further described below, Applicant believes that the July 10 Response, a copy of which is included herewith, fully satisfied the requirements of 37 CFR 1.121 and respectfully requests reconsideration.

On page 2 of the July 10 Response, Applicant indicated summary changes to the Specification and Abstract that should be made to the Application. Applicant also indicated in the last paragraph of page 2 that "Clean and Marked Up versions of the specification and abstract are appended hereto." In addition, following Applicant's Remarks after page 14, Applicant included clean and marked up versions of the Specification and Abstract in sections entitled "Marked Up Version of Specification", "Marked Up Version of Abstract", "Clean Version of Specification", and "Clean Version of Abstract". Thus, contrary to the July 31, 2003 Notice of Non-Compliant Amendment, Applicant asserts that (1) the July 10 Response does include a clean version of the replacement paragraph/section required under 37 CFR 1.121(b)(1)(ii), and

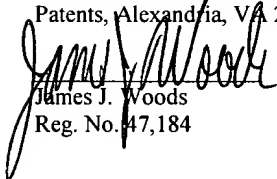
(2) the July 10 Response does include a marked-up version of the replacement paragraph/section required under 37 CFR 1.121(b)(1)(iii).

For at least the above reasons, Applicants respectfully request reconsideration of the Notice of Non-Compliant Amendment dated July 31, 2003 and that Applicant's July 10, 2003 Response be deemed compliant and receive consideration. Applicants further request, based at least on Applicant's July 10, 2003 Response, that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

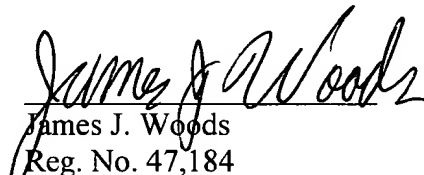
Respectfully submitted,

Dated: 8/27/03

I hereby certify that the correspondence attached herewith is being transmitted via First Class Mail to the Commissioner for Patents, Alexandria, VA 22313:


James J. Woods
Reg. No. 47,184

8/27/03
Date


James J. Woods
Reg. No. 47,184
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000